

Position Statement for EU Exit Operational Readiness

Background

After the triggering of Article 50, and issuing a notice of intention to withdraw from the London Fisheries Convention, the UK government has entered negotiations regarding the UK leaving the EU. Although it is not clear exactly where the negotiations will lead, there is the potential for a significant change in relationship, access and management of seas and fisheries for the UK outside the EU. IFCAs, through the Association of IFCAs (AIFCA), have been working with other regulators and DEFRA to help best inform and support this process and to help ensure a smooth and orderly transition as the UK leaves the EU.

Both Defra and the MMO have signalled to the Association of IFCAs the ministerial importance placed on UK's ability for fishery control and enforcement to be robust and appropriate on and following EU exit. The MMO have been specifically charged with developing an operational plan to cover a wide range of scenarios. IFCAs through the Association of IFCAs (AIFCA) have been asked to input into the planning process with a view to possible involvement of IFCA resources, primarily in the form of vessels and officers.

IFCAs understand the challenges faced and as a collective want to express their commitment and support to assist in any way possible. IFCAs have extensive knowledge, experience and skills in planning and carrying out sea based fisheries enforcement and are well placed to help meet possible future fishery control and enforcement requirements.

As fishing changes around the English coast so does the marine enforcement requirement, with the result that the IFCA fleet and resource and availability of resource varies between districts. Maintaining and running vessels constitutes a large proportion of most IFCAs budgets and operational capacity; early engagement with IFCAs through the AIFCA will best help develop and ultimately deliver the most cost effective and efficient plan. In developing such a plan clear engagement with Defra and the MMO regarding expectation as well as the development of a formal operational protocol to cover key areas such as communications and engagement are important next steps.

Association Policy:

The Association proposes that the IFCAs agree in principle to assist in developing and implementing an operational plan, potentially utilizing IFCA vessels and staff in the UK response to EU exit. The Association asked the Chief Officers Group to work with and assist the MMO in developing the plan from an operational perspective.

However, the IFCAs would envisage:

- Clear engagement with Defra and the MMO regarding expectations
- Resources being made available if appropriate
- The development of an operational protocol to cover communications and engagement

Resource implications:

The full resource implications are unknown at present but will need to take the following into account:

- The level of vessel/resource required
- The duration of IFCA commitment to this additional tasking
- Additional training and additional equipment required
- Human resource implications
- Any secondary costs incurred if normal IFCA operations are compromised or suspended (both in reputational risk and actual costs)

Operational considerations.

The Association and its constituent IFCAs agree in principle to contribute to preparations for EU exit. To this end the Chief Officers Group have been asked to work in conjunction with the MMO in developing operational capability and plans.

Given the level of uncertainty on what will be required upon and following EU exit the Association believes that efforts should concentrate on ensuring that the requisite operational capability is in place to enable both the IFCAs and the MMO to develop and implement operational plans as the post EU exit position becomes clearer. It is suggested that these should include, but may not be limited to:

- Delivery of accredited training to IFCOs and MEOs to ensure that enforcement officers have the skills required to deal with both technical conservation and control regulations
- Review of powers and policy in conjunction with the previous point to determine to what extent IFCOs can be cross-warranted as MEOs and the policy to be applied if cross warranting is required
- Development of the shared intelligence system between IFCAs and the MMO to ensure that there is sufficient processing and analytical capacity to deal with increased volumes of Intelligence Reports. This should include delivery of the new intelligence system under the EMFF control funded project
- Embedding joint working protocols between IFCAs and the MMO to ensure that processes (e.g. TCG), policy (e.g. compliance directions) and working practices are sufficiently advanced to enable routine joint operations on land and at sea

- Enhancement of capacity for joint operations at sea. This is likely to include enhanced seagoing capacity amongst MEOs and the development of a programme of joint training and patrols to prepare operational assets for potential post EU exit requirements. Co-ordination of seagoing assets is an important factor and this may be addressed by the development of JMOCC
- Developing a framework to facilitate joint operational planning and associated budgetary issues when the post EU exit position becomes clearer

Limitations

It should be acknowledged that whilst collectively the IFCAs have significant capacity in terms of vessels and officers, each individual IFCA is a small organisation (typically around a dozen officers with the largest having 24 officers) with substantial workloads and duties to manage inshore fisheries and to protect the environment in MPAs.

The following are the key factors to be taken into consideration in relation to IFCA participation in any EU exit related operational activity:

- Budgetary implications – circa 75% of IFCA funding is provided by Local Authorities, which reflects the requirement to deliver local priorities. All IFCAs operate on relatively small budgets with little leeway to absorb additional costs such as training, increased vessel usage etc.
- Inshore Fishery and Conservation Officers (IFCOs) are not currently trained or warranted to enforce control regulations
- The size, design and capability of IFCA vessels varies around the coast although it is understood that all can provide some 'at sea' presence in the 6nm to 12nm sector
- Implications (reputational, budgetary, legally etc) of diverting resources from local to national priorities

Conclusion

The IFCAs recognise that there is a political imperative that, as a public service, we will be expected to assist in EU exit control and enforcement. As such the IFCAs would wish to assist and engage in EU exit preparation and to continue to engage with Defra and Defra group on this and other matters.

Note

The workstream to deliver first day readiness is separate to the mid to long term initiative set in place by the Marine Review and latterly by the Defra transformation programme to look at joint working between the MMO and the IFCAs. This work remains of high importance but to a longer timescale to that expected for the first day readiness outlined above.